

Board of Judicial Policy and Administration

Minutes

September 17, 2012

The Board of Judicial Policy and Administration met in Jackson, Wyoming on September 17, 2012. In attendance were Chief Justice Marilyn Kite, Justice Michael Golden, Justice Jim Burke, Justice William Hill, Judge Dan Price, Judge Jeffrey Donnell, Judge Tom Campbell, Judge Steven Cranfill, Judge Tom Harrington, Judge Robert Castor, Judge Wesley Roberts, Judge Curt Haws, Judge Robert Denhardt, Georgia Tibbetts, Joann Odendahl, and Ronda Munger. Chief Justice Kite notified the members that upon Justice Golden's retirement at the end of September, Justice Michael Davis will be taking his position on the Board.

Old Business

Committee Updates

Court Security Commission – Justice Hill advised the Board that because he will be taking Justice Golden's place on the Children's Justice Project, he will be stepping down as Chairman of the Court Security Commission and Guy Cameron will be taking over that position. Chief Justice Kite and Judge Roberts updated the Board on the August 28th meeting in Lander with the Fremont County Commissioners regarding security solutions for its Riverton courtroom facility in light of the recent gunshot incident. Judge Roberts reported that the Fremont County Commissioners approved a \$15,000.00 contract to hire an architectural firm to do a feasibility study to remodel a building at an alternative location, and that the Wyoming Office of Homeland Security conducted vulnerability assessments for the current building and the building being considered for remodeling. In the meantime, the Commissioners are submitting an Emergency Grant Request to the State Lands and Investments Board to obtain additional conex boxes that will enable them to surround the entire building with the containers. Judge Castor moved and Judge Price seconded a motion to support an application for loan monies made for security purposes for the Riverton Circuit Court; Judge Roberts abstained. Motion carried unanimously. Joann reminded the Board that the Court Security Commission's Annual Report is available on the Supreme Court's website, and that there is also a link to the Office of Homeland Security's website as well. She pointed out that the policy for securing Court Security Commission funds for high profile cases is contained within the report.

Jt. Judiciary Committee

Chief Justice Kite reported on the suggested statutory changes that will come before the Joint Judiciary Committee in September. She explained that these changes would assist the courts in reducing their budgets and would allow for more efficient proceedings.

- Supreme Court Decisions and Session Laws: this revision would change distribution of these publications to libraries and other offices from being mandatory, to being distributed upon request.
- Full-time Circuit Court Magistrates: this revision would allow the Wyoming Supreme Court to determine whether a vacancy in the position of a full-time magistrate is filled by a full-time magistrate or by a part-time magistrate.

- Court Reporting Procedures, Transcripts and Electronic Recording: this revision would remove the language that requires that certain transcripts be made, and would leave that decision to the discretion of the district judge. In addition, it would allow digital recording of some court proceedings, also at the discretion of the district judge.

Lengthy discussion was held on the changes dealing with the court reporting procedures and transcripts. Judge Campbell moved and Judge Castor seconded a motion to accept the draft of the proposed changes, as amended. Motion carried 8 to 1.

Civil Cover Sheet Update

Ronda Munger reviewed the Order Adopting Rule 3.1 of the Wyoming Rules of Civil Procedure that requires a civil cover sheet to be filed with every complaint or other document initiating a civil action. This rule will become effective on November 1, 2012.

Proposed Amendment to Rules for Fees & Costs (fax fees)

Ronda reviewed the proposed amendments to the Rules of the District Courts, Circuit Courts and Municipal Courts that would increase the fee that is charged for sending facsimiles, and would provide for a fee to be charged for receiving facsimiles. The fee for the transmission or receipt of facsimiles would be set at \$1.00 per page. Judge Castor moved and Judge Roberts seconded a motion that the Board of Judicial Policy and Administration recommend to the Supreme Court that the proposed amendments to Rule 4 of the Rules for Fees & Costs for District Courts, Rule 4 of the Rules for Fees & Costs for Circuit Courts, and Rule 5 of the Rules for Fees & Costs for Municipal Courts be adopted. Motion carried unanimously.

Standing Committee on Judicial Compensation

Judge Campbell informed the Board that he has been gathering information on how states set their judicial compensation, and that he will review the materials with the committee once the members are appointed. Although the makeup of the group was discussed at the June, 2012 meeting, the Board held further discussion on who should be named to this committee. Chief Justice Kite recommended that the Standing Committee have a proposal for setting judicial compensation ready for the Board to review next July.

New Business

Balancing Circuit Court Caseload within a District

Chief Justice Kite reviewed the 2011 Circuit Court Judicial Workload Assessment Model with the Board and pointed out the various counties where inequitable workloads exist between the judges. Discussion was held on this matter. Chief Justice Kite suggested that the Circuit Court Judges who are members of the Board speak with their Conference about developing a plan to help the judges in those counties make a concerted effort to balance or adjust their workloads to lessen the disparity.

Clerical Workload Study Results

Chief Justice Kite informed the Board that the new Circuit Court Clerical Workload Study has been completed. She explained that the study was done in order to update the previous study and to obtain more accurate data now that the civil jurisdiction change has been in effect. Joann and Ronda reviewed the study with the Board, pointing out the vacant positions that exist in some courts that are understaffed, and the overstaffed situations that exist in other courts. Joann reminded the Board that the Joint Judiciary Committee had indicated that a portion of the budget cut might not be required, contingent upon completion of the study and an analysis of the data. She explained that the proposal that has been developed from the study's results is that the Powell, Lovell and Dubois satellite courts be closed as of July 1, 2013, and the Lincoln, Crook, Platte and Teton Circuit Courts each lose a position that is currently staffed. Those clerks would have the opportunity to apply for the openings in the designated courts where vacancies will be filled. Justice Golden moved and Judge Castor seconded a motion that the proposal for closure of the Powell, Lovell and Dubois satellite courts, and the loss of one position each in the Lincoln, Crook, Platte and Teton Circuit Courts is approved, and that the reductions that are initiated in those courts be decided through consultation between the circuit judge and chief clerk in those counties. Motion carried unanimously. Local law enforcement will be advised by the first of the year that they should no longer write citations into the three closed satellite courts to allow for the workloads to have shifted to the main courts by July 1st.

Miscellaneous

Joann informed the Board that the supplemental budget, which includes the required 4% reduction, has almost been completed. She advised that she is requesting that the Joint Appropriations Committee delete the last line in Section 319(b) of the Standard Budget Reductions that requires the judiciary to take an 8% budget cut in the next biennium. She feels that an 8% reduction would be severely detrimental to the daily operations of the Supreme Court and Circuit Courts.

Meeting was adjourned.

Schedule of Future Meetings:

December 6, 2012 (videoconference)
March 6, 2013 (videoconference)
June 5, 2013 (videoconference)
September 9, 2013 (Gillette)
December 4, 2013 (videoconference)

Approved by email on 11/26/2012

The Board of Judicial Policy and Administration's meetings are not open to the public unless the Board, in its discretion, determines that a particular meeting or agenda item should be open to the public. The Board will disclose what is discussed at the meetings at its discretion.